

U.S. Patent Application Serial No. 10/030,185
Amendment filed September 13, 2005
Reply to OA dated June 13, 2005

REMARKS

Claims 1-3, 5, 6, 9-11 and 13-19 are pending in this application.

The support for the claim amendments is as follows: Claim 1: (a formula was moved as suggested by the Examiner); Claim 18 (material was deleted).

The applicants respectfully submit that no new matter has been added.

The Applicants appreciate that Claim 18 is indicated as being allowed.

Claims 1-3, 5-6, 9-11, 13-17 and 19 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Claim 1

The Office Action noted that ring B of claim 1 is not encompassed by formula (I-3). The Examiner then suggested:

The first formula on page 5 should be moved to page 3 (amendment 3/14/05) to join with (I-1) to (I-9) as an additional formula.

Applicants agree and have amended claim 1 accordingly to reflect the Examiner's suggestion.

Claim 19

Claim 19 has been amended to remove any potentially vague provisos.

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Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by CAPLUS 1999:292013.

The Office Action stated that the 6 compounds shown in CAPLUS 1999:292013 read on the claimed formula (I-2).

However, in the compound of CAPLUS 1999:292013, all parts that correspond to X^3 , X^4 , X^5 and X^6 of formula (I-2) of the present invention are **fluorine atoms**. Moreover, in the compound of CAPLUS 1999:292013, all parts that correspond to X^1 and X^8 of formula (I-2) of the present invention are **hydrogen atoms**.

On the other hand, as to a and b conditions of the claimed invention, after the description of " X^1 , X^3 , X^4 , X^5 , X^6 , X^8 , X^9 and X^{10} each represent, independently, any one of a hydrogen atom, a chlorine atom and a fluorine atom, **provided that conditions described below are satisfied**" the following is described:

- a. In (I-1) and (I-2), in a case in which at least one of X^3 , X^4 , X^5 and X^6 represents a fluorine atom, and a remainder represent hydrogen atoms, then at least one of X^1 , X^8 , X^9 and X^{10} represents either one of a chlorine atom and a fluorine atom,
- b. In (I-1) and (I-2), in a case in which at least one of X^1 , X^8 , X^9 and X^{10} represents a fluorine atom, and a remainder represent hydrogen atoms, then at least one of X^3 , X^4 , X^5 and X^6 represents either one of a chlorine atom and a fluorine atom...

In formula (I-2) of each condition of a and b, X^1 or X^8 that excludes X^9 or X^{10} is a **chlorine atom or a fluorine atom**.

That is, in condition a, when all of X^3 , X^4 , X^5 and X^6 represent fluorine atoms (when it is the same as the reference), at least one of X^1 or X^8 is a **chlorine atom or a fluorine atom**. The compound of the reference does not overlap with the compound of the claimed invention since the compound of the reference has only

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hydrogen atoms.

In condition b, at least one of X¹ or X⁸ represents a fluorine atom, and the remainder represents hydrogen atoms. The reference does not correspond to the condition b, because both X¹ and X⁸ of the reference are **hydrogen atoms.**

Therefore, the compound of the reference is not contained in the claimed invention in any case. The compounds described in the present description are shown in the attached sheets. As to each compound in the present description, when one side is substituted for the **fluorine atom**, another side is substituted for the **fluorine atom.**

Accordingly, the invention as claimed is not anticipated by CAPLUS 1999:292013. It is requested that all claims be allowed.

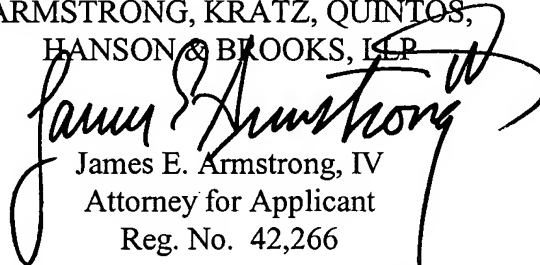
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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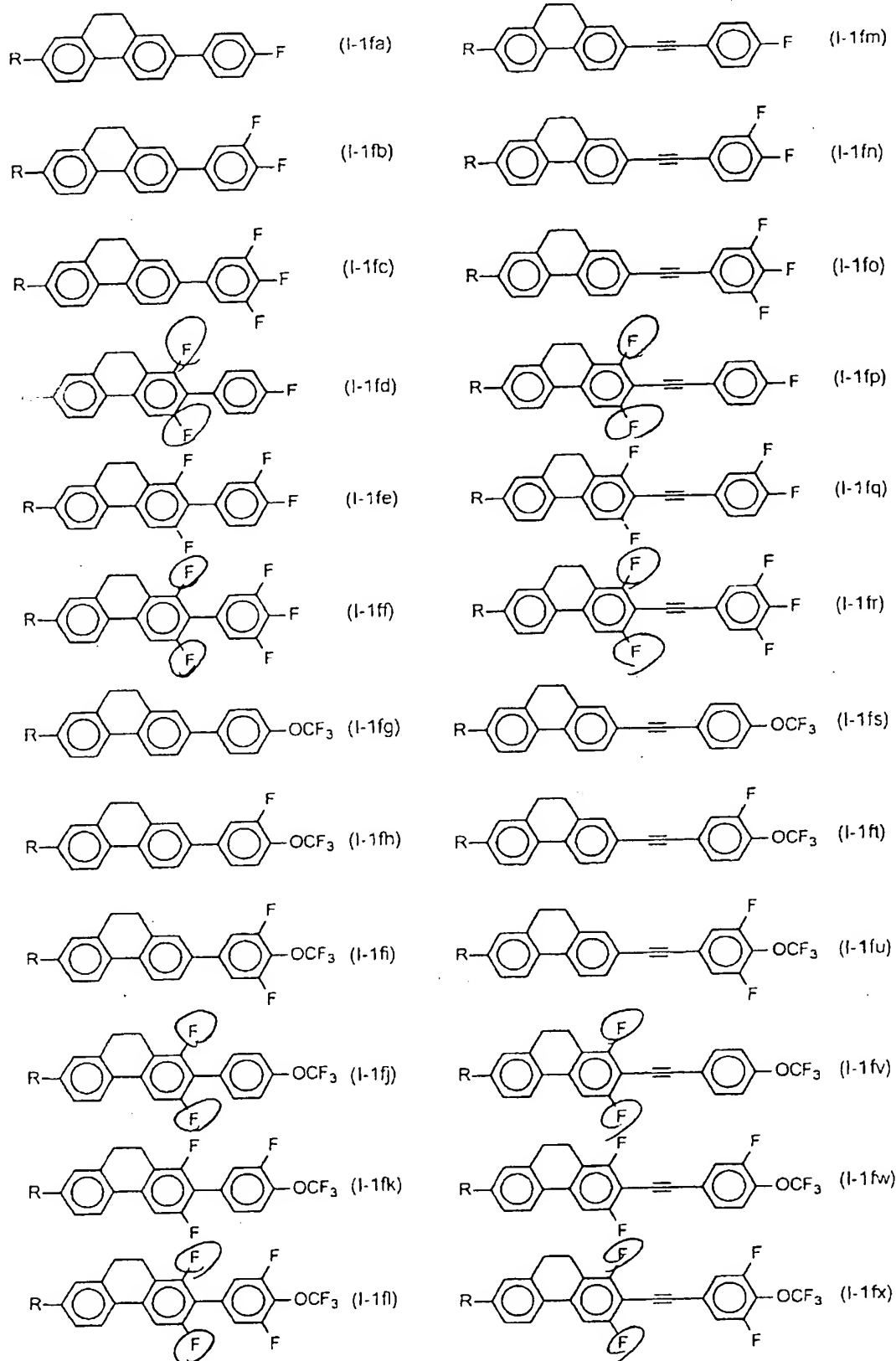
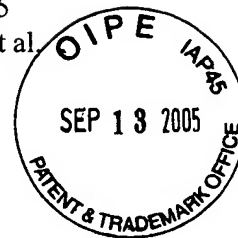


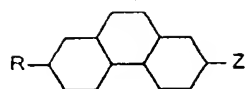
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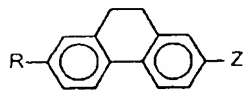
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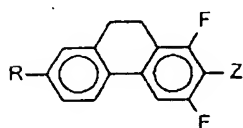




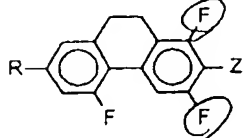
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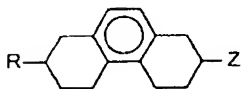
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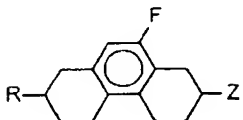
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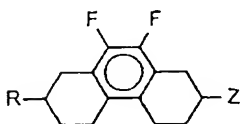
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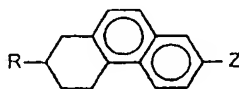
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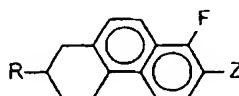
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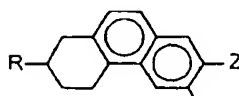
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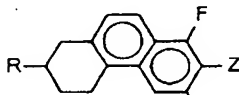
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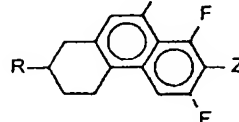
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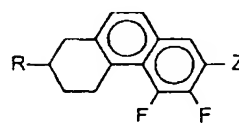
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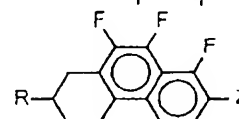
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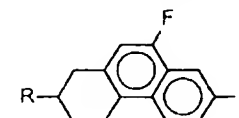
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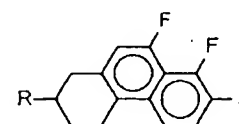
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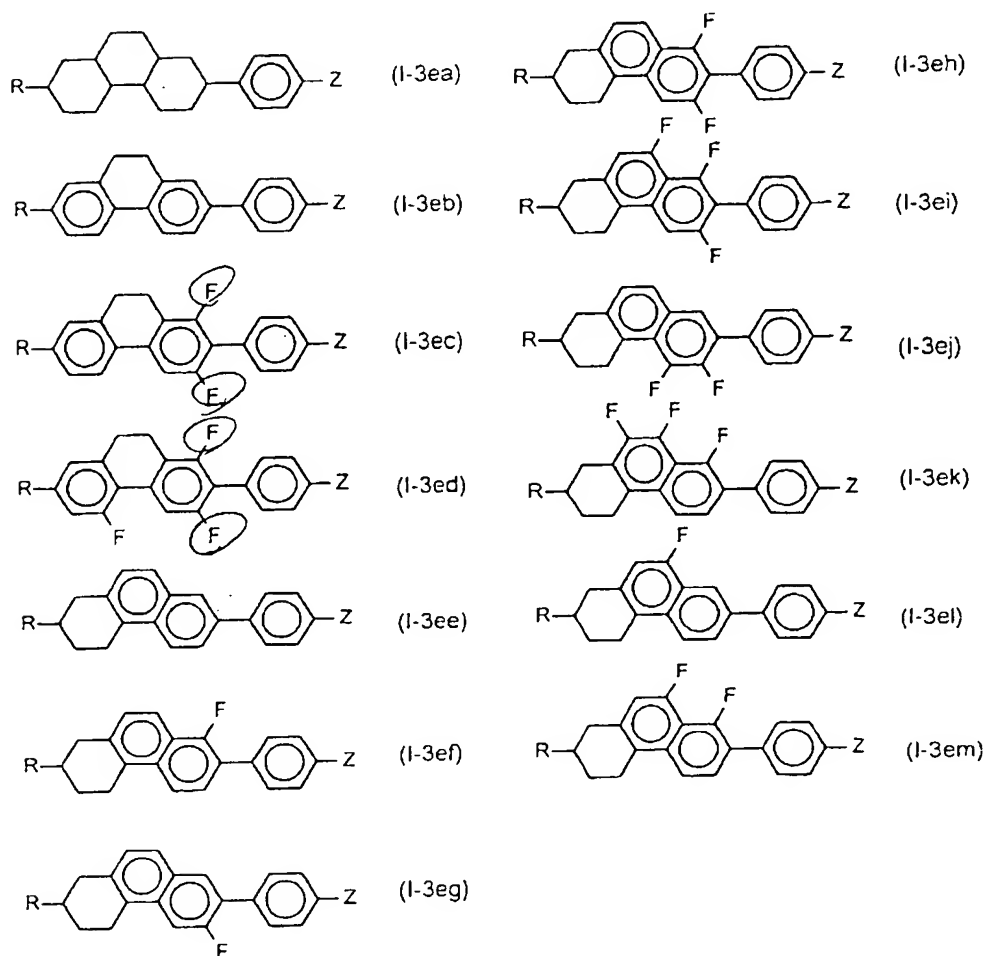
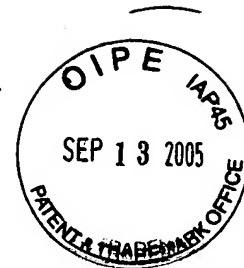
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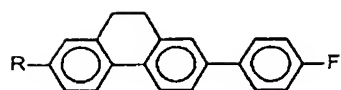


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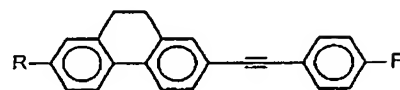


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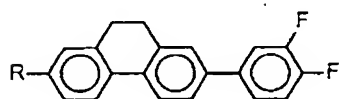




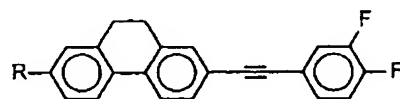
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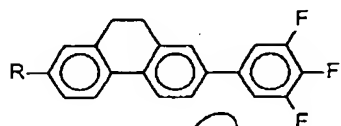
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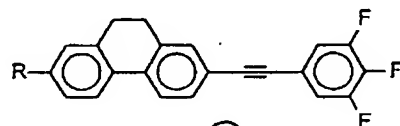
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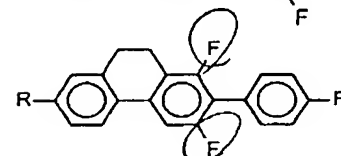
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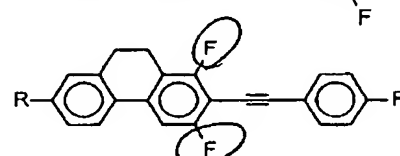
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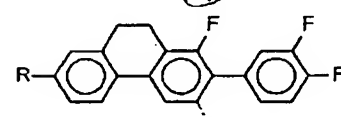
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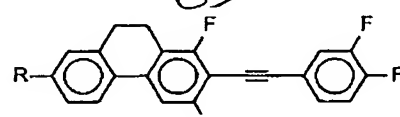
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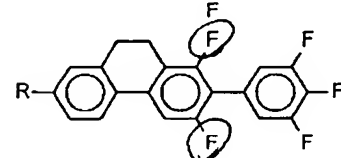
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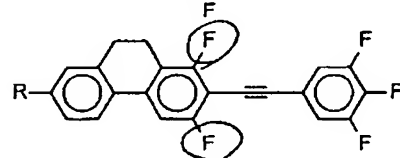
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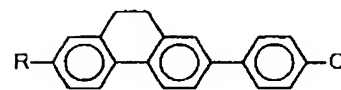
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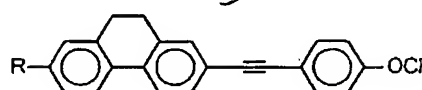
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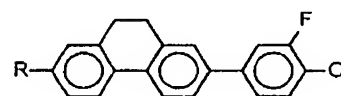
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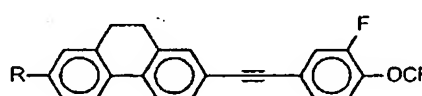
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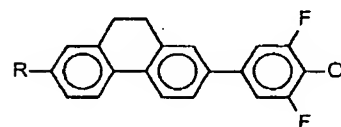
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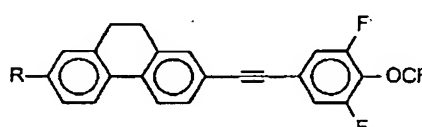
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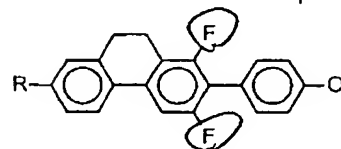
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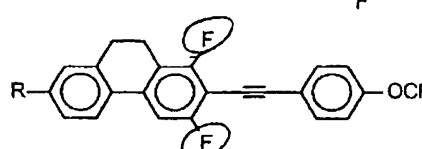
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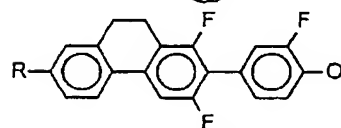
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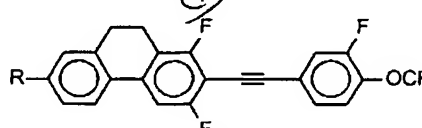
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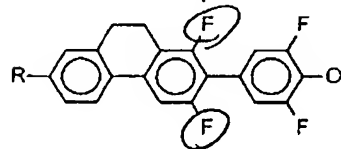
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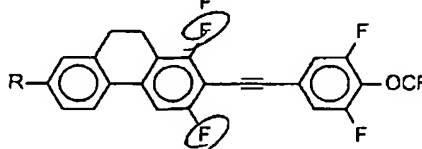
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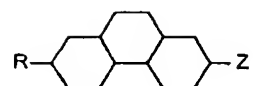
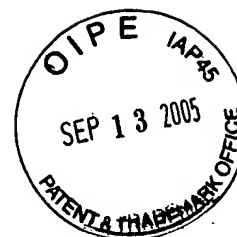
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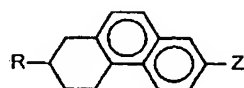
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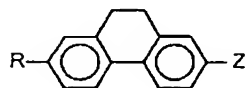
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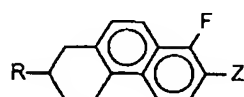
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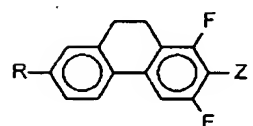
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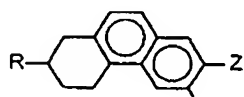
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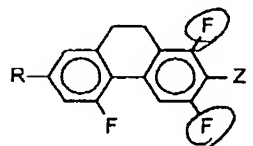
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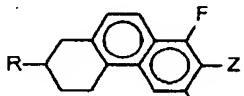
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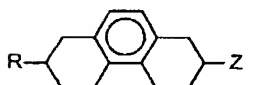
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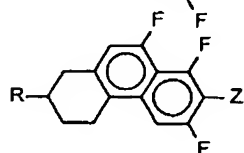
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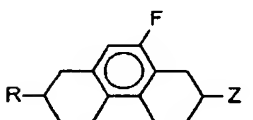
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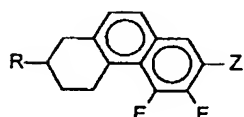
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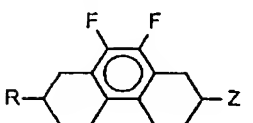
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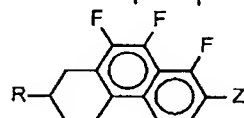
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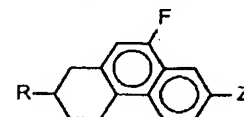
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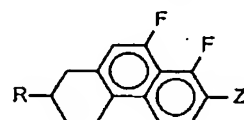
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